

App. No. 10/727,299
Amendment Dated: February 28, 2007
Reply to Office Action of October 31, 2006

RECEIVED
CENTRAL FAX CENTER

FEB 28 2007

REMARKS/ARGUMENTS

The Office Action mailed October 31, 2006 has been received and the Examiner's comments carefully reviewed. Claims 1-3, 8, 9, and 15-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over McLean et al. (U.S. Publication No. 2002/0124115) (hereinafter "McLean"). Claims 4, 10, 11, 18, and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over McLean in further in view of Ovil et al. (U.S. Publication No. 2004/0030540) (hereinafter "Ovil"). Claims 5-7, 12-14, 20 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over McLean.

Examiner Interview

A telephonic interview was held on January 12, 2007 between Examiner Botts and Timothy Sullivan. The Applicants thank Examiner Botts for his time. The Applicants discussed the Independent Claims with regard to the specification to provide clarification to the terms used within the claims. FIGURES 4 and 5 were also discussed wherein the Applicants pointed out to the Examiner the use of a tag to identify at least one of a grammar error and a spelling error. The Applicants also discussed the 35 U.S.C. 112 and 35 U.S.C. 101 rejections contained within the current Office Action and pointed out support for the claim language within the specification and drawings. An agreement as to allowability was not reached.

Objections to the Specification and Rejections under 35 U.S.C. 112

The specification is objected to for failing to provide proper antecedent basis for the claimed subject matter. The term "overlap" within the claims was objected to as failing to

App. No. 10/727,299
Amendment Dated: February 28, 2007
Reply to Office Action of October 31, 2006

provide proper antecedent basis for the claimed subject matter. The Applicants have amended the claims to more clearly define the invention. As amended, the claims do not include the term "overlap." The term "single tag" was also objected to because it was not found in the specification. This term, as discussed during the interview, is included within the Applicants' specification, one location where the term "single tag" may be found is on page 8, lines 8-9 in the discussion relating to FIGURE 4. The Applicants have amended the claims to more clearly define the terms used within the claims. As such, the Applicants have removed the term "single tag" from the claims. The Applicants respectfully request the rejections be withdrawn.

Rejections Under 35 U.S.C. 101

Claims 1-7 were rejected under 35 U.S.C. 101 as non-statutory subject matter. In response, the Applicants amended Claim 1 to recite a "tangible" computer-readable medium. Claims 15-21 were rejected under 35 U.S.C. 101 for containing non-statutory subject matter as being directed to a program per se. Claim 15 has been amended to specifically recite a memory and a processor. The Applicants respectfully request the rejections be withdrawn.

Rejections Under 35 U.S.C. 103(a)

Claims 1-3, 8, 9, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLean et al. (U.S. Publication No. 2002/0124115) (hereinafter "McLean").

With regard to Claim 1, the Office Action states that McLean teaches "a second component for placing at least one marker within the word processor document indicating at least one error selected from a grammar error and a spelling error; wherein the marker is a single

App. No. 10/727,299
Amendment Dated: February 28, 2007
Reply to Office Action of October 31, 2006

tag that does not overlap the error and does not overlap other elements within the word-processor document. (See, McLean, figure 34, element 341, and paragraphs [0172]-[0186], teaching the spellchecking filter as the second component. See also, McLean, paragraph [0180], teaching indicating a spelling error with non-overlapping markers.)” The Applicants respectfully disagree. In order to further the prosecution of this matter in an expeditious manner, Claim 1 has been amended to more clearly define the invention.

As amended, Claim 1 recites in part “a second component for placing at least one marker within the word-processor document indicating at least one type of error selected from a grammar error and a spelling error; wherein the marker is a first tag that is placed before the error and that identifies the type of error; and wherein the first tag is an empty element tag that does not include content.”

In contrast, McLean identifies an error using a word element embedded within a misspelled element. At paragraph 172, McLean states that “[t]he spellchecking filter 341 applies additional Markup language to those words which are found to be misspelt both to flag the location of the error and to indicate the correct version of the word.” Paragraph 180 shows a markup language description of a spelling error that recites: “<misspelled><word location=m>illustrated</word></misspelled>.” As illustrated by McLean, the identification of the error is marked by a misspelled element that includes a start tag <misspelled> and an end tag </misspelled>. Another element delineated by the word tag is embedded within the start tag and the end tag word to indicate the location of the spelling error. In contrast, the present invention does not embed other elements within a tag to indicate a spelling error or a grammar error.

App. No. 10/727,299
Amendment Dated: February 28, 2007
Reply to Office Action of October 31, 2006

Instead, as recited in Claim 1 "the first tag is an empty element tag that does not include content." Support for this recitation can be found at least on page 3, lines 20-23 and page 8, lines 8-9 of the Applicants' specification. Page 3, lines 20-23 recites that "[t]he term "tag" refers to a command inserted in a document that delineates elements within an ML document. Each element can have no more than two tags: the start tag and the end tag. It is possible to have an empty element (with no content) in which case one tag is allowed." Page 8, lines 8-9 recites "the ML file includes a single tag (402) to represent the start of the grammar error, and another single tag (404) to represent the end of the grammar error." Since McLean, alone or in combination with the other cited references, does not teach using an empty tag to mark an error, Claim 1 is proposed to be allowable. Claims 8 and 15 have been similarly amended.

As amended, Claim 8 recites in part "placing a first marker within the word-processor document indicating a start of at least one error selected from a grammar error and a spelling error; wherein the first marker is a first tag that does not contain content; and placing a second marker within the word-processor document indicating an end of the at least one error selected from the grammar error and the spelling error; wherein the second marker is a second tag that does not contain content. Claim 8 includes the additional limitation of a second tag that does not contain content that indicates the end of an error. In addition to the arguments presented above, McLean does not teach placing a first empty tag to indicate a start of an error and a second empty tag to indicate the end of an error. For at least this reason and the reasons presented above, Claim 8 is proposed to be allowable.

As amended, Claim 15 recites in part "a markup language file output by a word processor that includes a first marker and a second marker indicating a start and an end of at least one error

App. No. 10/727,299
Amendment Dated: February 28, 2007
Reply to Office Action of October 31, 2006

selected from a grammar error and a spelling error; wherein the first marker is a single tag that does not contain content and does not overlap the error and does not overlap other elements within the markup language file and wherein the second marker is a single tag that does not contain content and does not overlap the error and does not overlap other elements within the markup language file." Claim 15 is proposed to be allowable for at least the same reasons as presented above.

Claims 2-7, 9-14 and 16-21 depend from Claims 1, 8 and 15 and apply additional limitations to the respective independent claims from which each depends. Accordingly, claims 2-7, 9-14 and 16-21 are patentably distinguishable for at least the same reasons for which Independent Claims 1, 8, and 15 are patentably distinguishable from the reference cited.

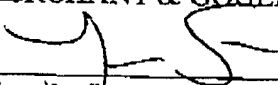
Conclusion

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.



MERCHANT & GOULD P.C.
P. O. Box 2903
Minneapolis, Minnesota 55402-0903
206.342.6200

Respectfully submitted,
MERCHANT & GOULD P.C.


Timothy P. Sullivan
Registration No. 47,981
Direct Dial: 206.342.6254